

Joshua Swigart, Esq. (SBN: 225557)  
[josh@westcoastlitigation.com](mailto:josh@westcoastlitigation.com)  
Kevin Lemieux, Esq (SBN: 225886)  
[kevin@westcoastlitigation.com](mailto:kevin@westcoastlitigation.com)  
**HYDE AND SWIGART**  
2221 Camino Del Rio South, Suite 101  
San Diego, CA 92108  
Telephone: (619) 233-7770  
Facsimile: (619) 297-1022

David L. Price, Esq. (SBN 88696)  
dprice@emklawyers.com  
Benjamin Koegel, Esq. (SBN266308)  
bkoegel@emklawyers.com  
**ELGUINDY, MEYER & KOEGEL, LLP**  
2990 Lava Ridge Court, Suite 205  
Roseville, CA 95661  
Telephone: (916) 778-3310  
Facsimile: (916) 330-4433

[Other Attorneys of Record Listed on Signature Page]

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

**Patrick Cross, Individually and  
on behalf of All Others Similarly  
Situated,**

## Plaintiff,

V.

## **Infinity Energy, Inc., and INFY Marketing, LLC,**

## Defendants.

**Case No.: 16-CV-2527-MMA-JLB**

**CLASS ACTION**

**JOINT MOTION FOR  
DISMISSAL WITH PREJUDICE  
AS TO THE NAMED  
PLAINTIFF AND WITHOUT  
PREJUDICE AS TO THE  
PUTATIVE CLASS**

**JUDGE: Michael M. Anello  
MAGISTRATE JUDGE:  
Jill Burkhardt**

Plaintiff PATRICK CROSS (referred to as “Plaintiff”), Defendants INFINITY ENERGY, INC. and INFY MARKETING, LLC (collectively referred to as “Defendants”) hereby jointly move to dismiss the above entitled action with prejudice as to the named Plaintiff and without prejudice as to the Putative Class.

This Court can proceed to dismiss this action entirely with prejudice as to the

1 named Plaintiff and without prejudice as to the Putative Class and this Court retains  
2 jurisdiction to enforce the settlement of this action.

3  
4 Respectfully submitted,

5  
6 Date: May 10, 2017  
7

8 **HYDE & SWIGART**

9  
10 By: s/Kevin Lemieux  
11 Kevin Lemieux  
12 Attorneys for Plaintiff

**Elguindy, Meyer & Koegel**

By: s/Benjamin Koegel  
Benjamin Koegel  
Attorneys for Defendants

14 **Other Attorneys of Record, besides caption page:**

15 Abbas Kazerounian, Esq. (SBN: 249203)  
16 ak@kazlg.com  
17 **KAZEROUNI LAW GROUP, APC**  
18 245 Fischer Avenue, Suite D1  
19 Costa Mesa, CA 92626  
20 Telephone: (800) 400-6808  
Facsimile: (800) 520-5523

